

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF GEARL T. FLOWERS § No. 214, 2012
FOR A WRIT OF MANDAMUS §

Submitted: May 11, 2012

Decided: May 22, 2012

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 22nd day of May 2012, upon consideration of the petition of Gearl T. Flowers for an extraordinary writ of mandamus and the State's response thereto, it appears to the Court that:

(1) The petitioner, Gearl Flowers, seeks to invoke the original jurisdiction of this Court to issue a writ of mandamus to compel the Superior Court to review the transcripts of his 2011 trial. According to Flowers, the existing transcript of his trial is incomplete because it does not include the word "peremptory." The State of Delaware has filed a response and motion to dismiss. After review, we find that Flowers' petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be DISMISSED.

(2) This Court has authority to issue a writ of mandamus only when the petitioner can demonstrate a clear right to the performance of a duty, no other adequate remedy is available, and the trial court arbitrarily failed or

refused to perform its duty.¹ In this case, Flowers has not established a clear right to have the transcript altered in the manner he suggests. Accordingly, we conclude that Flowers' petition fails to invoke this Court's original jurisdiction to issue an extraordinary writ.

NOW, THEREFORE, IT IS ORDERED that Flowers' petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

¹ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).